Remarks

Reconsideration of the rejections set forth in the Office Action dated January 24, 2007 is respectfully requested. Of previously pending claims 1-36, claims 27-36 were allowed, and claims 2, 3, 18, and 19 were objected to. Claims 1, 4-17, and 20-26 were rejected.

Rejections under 35 U.S.C. § 102

Claims 1, 4-17, and 20-26 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,092,397 issued to Chandran et al. (herein after "Chandran").

1.   Independent claims 1, 17, and their respective dependents

Independent claim 1 recites a method for forwarding a packet that includes destination information and source information. The method involves determining a first value using the destination information and the source information included in the packet. A first service flow is identified using the first value, and the packet is sent on the first service flow.

The Examiner asserts that Chandran discloses the method of claim 1, and argues that Chandran discloses determining a first value using destination information and source information included in a packet, and using the first value to identify a first service flow on which to send the packet. Although the Examiner has not specifically articulated his argument, it appears that he believes that a "classifier" is equivalent to the "first value" of claim 1. It is respectfully submitted that contrary to what appears to be the Examiner's belief, a "classifier" is not the same as the "first value" of claim 1.

As claimed, <u>a first value is determined using both destination information and source information included in a packet</u>. Chandran discloses that each service flow maps to one or more classifiers (Chandran, column 4 at lines 9-18), but does not appear to teach that a classifier is determined using both destination and source information included in a packet. Instead, Chandran discloses at lines 66-67 of column 4 that the classifier of a data packet is determined

by examining within which range an IP address falls. The IP address, as disclosed by Chandran at lines 58-60 of column 4, is the IP address of the device from which the data packet is originating. That is, <u>Chandran discloses that the classifier of a data packet is determined using the source information included in the data packet</u>. There is **no teaching** in Chandran of using **both** source information and destination information to determine a first value that is used to identify a first service flow. Accordingly, claim 1 is believed to be allowable over Chandran for at least this reason.

Further, in the passages cited by the Examiner in his rejection of claim 1, Chandran discusses assigning a SID to a data packet after a service flow is determined (Chandran, column 5 at lines 1-4). This SID is also not equivalent to the first value of claim 1, as the SID is determined based on a service flow, and is not determined using both destination and source information included in a packet. Hence, claim 1 is believed to be allowable over Chandran for at least this reason as well.

Claims 2-10 each depend either directly or indirectly from independent claim 1 and are, therefore, each believed to be allowable over the cited art for at least the reasons set forth above with respect to claim 1. Each of these dependent claims recites additional limitations which, when considered in light of claim 1, are believed to further distinguish the claimed invention over the art of record. By way of example, the Examiner has already indicated that dependent claims 2 and 3 contain allowable subject matter. In addition, dependent claim 9 recites that a set of service flows includes up to approximately sixteen service flows. Chandran does not appear to discuss a number of service flows that may be included in a set of service flows. Further, dependent claim 5 recites that destination information used in determining a first value is a destination Internet Protocol (IP) address. Chandran does not appear to teach of determining any value using a destination IP address.

Independent claim 17 recites similar limitations as recited in independent claim 1. Therefore, independent claim 17 and the claims which depend from independent claim 17 are each believed to be allowable over the cited art for at least the reasons set forth above.

2.   Independent claims 11, 22, and their respective dependents

Independent claim 11 recites a method for forwarding packets upstream from a subscriber unit to a central access point. The method includes identifying a number (N) of available service flows, sending a first packet on a first service flow, and sending an Nth packet on an Nth service flow.

On page 3 of the Office Action dated January 24, 2007, the Examiner has argued that Chandran teaches the limitations of claim 11. In the passages of Chandran that the Examiner cites, Chandran appears to disclose only that classifiers identify a particular type of data flow, and that service flows map to classifiers. There does not appear to be any teaching of identifying a number (N) of available service flows, sending a first packet on a first service flow, and sending an Nth packet on an Nth service flow. In particular, the process flow diagram of FIGS. 2A and 2B of Chandran indicate that a single data packet is sent to a cable modem (step 202), which maps a classifier to a service flow (step 208), and then transmits the data packet upstream (step 212). There is no teaching of sending the data packet on any service flow, as the service flow merely appears to be mapped to a data packet (Chandran, column 5 at lines 1-5 and 12-19). As such, claim 11 is believed to be allowable over Chandran for at least this reason.

The passage in Chandran at lines 19-43 of column 4 discusses service flows mapping to classifiers, and discloses that data using one protocol has a different service flow than data using another protocol. However, there is no teaching of identifying a number of available service flows. A statement that service flows map to classifiers does not teach <u>identifying a number of available service flows</u>, as recited in claim 1. Therefore, claim 11 is believed to be allowable over Chandran for at least this reason as well.

Claims 12- 16 each depend either directly or indirectly from independent claim 11 and are, therefore, each believed to be allowable over Chandran for at least the reasons set forth above. Each of these dependent claims recites additional limitations which, when considered in light of claim 11, are believed to further distinguish the claimed invention over Chandran.

Independent claim 22 recites similar limitations as recited in independent claim 11. As such, independent claim 22 and its dependents are each believed to be allowable over the cited art for at least the reasons set forth above.

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Allowable Subject Matter

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The Examiner has indicated that claims 27-36 have been allowed.

The Examiner has also indicated that claims 2, 3, 18, and 19 contain allowable subject matter, and would be allowable if rewritten in independent form including all of the limitations of their respective base claims and any intervening claims. The Applicants believe that the independent claims from which claims 2, 3, 18, and 19 depend are each allowable over the cited art. As such, the Applicants have not rewritten claims 2, 3, 18, and 19 in independent form at this time.

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Conclusion

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Therefore, in view of the amendments above and the remarks directed thereto, the applicants request that all rejections be removed, that claims 1-36 be allowed, and the case be passed to issue. If a telephone conference would in any way expedite the prosecution of this case, the Examiner is asked to call the undersigned at (408) 868-4088.

Respectfully submitted,
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